

## **REMARKS**

This amendment responds to the Patent Office Action of November 19, 2004. Amendments have been made in the claims and it is believed that all claims in the application should now be in condition for allowance. Favorable action is earnestly solicited.

Claims 15-20 have been canceled from the application. Claims 1-14 have been indicted as allowed by the Examiner. Only claims 21, 23 and 24 have been rejected on the merits. Claims 22, 25 and 26 have only been objected to as being dependent upon a rejected base claim, but are indicated as containing allowable subject matter.

In the Patent Office letter the Examiner has rejected claims 21, 23 and 24 under 35 USC 102 as being anticipated by Mitchell, US Patent No. 3,721,458. The Examiner has indicated allowable subject matter in claims 1-14.

Although the Mitchell patent does show a stabilizer pad construction for a back hoe, including plate members 27 and resilient pad 25, it definitely does not teach the concept of enabling the reversal of the resilient pad portion of the stabilizer pad. There is absolutely no teaching in the Mitchell patent of this reversibility feature. The applicant believes that the Examiners rejection is incomplete in that the Examiner is required to find each and every element that is claimed. This reversibility feature is not at all taught in the Mitchell patent, but is expressed in the claims.

The present applicant is an inventor that has provided substantial improvements in stabilizer pad constructions over a several year period. This commenced several years ago in the development of the first stabilizer pad that was reversible between a resilient pad side and a grouser side. Refer, for example, to the applicants early patents 3,897,079; 3,913,942 and 4,023,828. The applicant has now conceived the concept of providing a stabilizer pad construction in which the resilient pad itself is readily reversible. This enables both sides of the resilient pad to be used, thus substantially extending the life of the pad, and making for a more cost effective stabilizer pad construction.

Moreover, in the rejection presented by the Examiner he has made it clear that the recitation of certain elements has not been set forth affirmatively, and as such has not been considered as patentably distinguishing. Accordingly, amendments have now been made in these rejected claims so as to affirmatively recite all elements. Furthermore, with consideration of these elements these claims are now clearly patentably distinguishable over the cited prior art, particularly the Mitchell '458 patent.

Claim 21 has been amended to recite that the resilient pad has opposite ground engageable surfaces, one at a time of which is in a downwardly facing orientation for ground engagement. An amendment has also been made to recite that the unitary pad assembly is coupled for releasable engagement with the metal weldment. With these amendments claim 21 should be in condition for allowance. With these amendments to claim 21, claim 23 should now also be found allowable as it depends directly from claim 21. Similar changes have also been made in claim 24 canceling reference to the term "adapted", and thus affirmatively claiming such elements as the unitary pad assembly being connected for releasable engagement with said metal weldment.

Regarding claims 22, 25 and 26 the Examiner has indicated allowable subject matter in those claims. Accordingly, claims 22 and 25 have been placed in independent form including limitations from the base claim. Claim 26 is allowed as a dependent claim to claim 25.

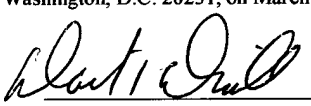
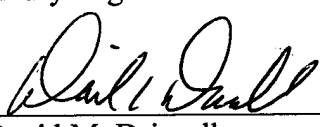
The applicant has also added new claims 27 to 31. Claim 27 is an independent claim while claims 28-31 are dependent claims from claim 27. Claim 27 should be found allowable for the same reasons previously stated in arguments regarding claim 21. Claim 21 defines a stabilizer pad assembly adapted for mounting from a metal weldment attached to a stabilizer arm of earthmoving equipment. The pad assembly comprises a resilient pad having opposite ground engageable surfaces, one at a time of which is in a downwardly facing orientation for ground engagement, a plurality of passages extending through said resilient pad; and a plurality of rod members extending respectively through said plurality of passage in said resilient pad, extending beyond opposite

sides thereof, forming with said resilient pad a unitary pad assembly, and disposed for releasable engagement with said metal weldment. The resilient pad is moveable between said opposite ground engageable surfaces by releaseable engagement with said weldment so as to permit selective positioning of either of said opposite ground engageable surfaces for use as a surface for ground engagement. The cited prior art does not teach this recitation.

### CONCLUSION

In view of the foregoing amendments and remarks, all claims in this application should now be found in allowable condition. If the examiner has any questions the applicant's attorney can be reached at the number indicated below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, which is not covered by an enclosed check, please charge any deficiency to the credit card of the undersigned per the enclosed credit card authorization form.

<p>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (a)</p> <p>The undersigned hereby certifies that this document is being placed in the United States mail with first class postage attached, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on March 14, 2005</p>  <hr/>	<p>Respectfully submitted,</p> <p>Andry Lagsdin</p>  <hr/> <p>David M. Driscoll 1201 Canton Avenue Milton, MA 02186 Tel: (617) 333-0925</p>
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